

PATENT

Docket No. 1232-4252US2

As for the arguments set forth in our previously filed amendment (December 5, 2001) regarding the teachings of Mimura, the Examiner has stated his disagreement with our position and contends that we have "misinterpreted" Mimura, thereby "completely missing the Mimura disclosure."

The Examiner characterized Applicants' previous argument as being that "Mimura allows a user to select an area of an image that is to be ignored in setting or adjusting the lens and the exposure control which is performed on the basis of the image signal in the selected zone" and that "the teaching of Mimura of masking and ignoring the selected area is in fact a teaching in direct contrast to the present invention where exposure is controlled based on the image in the selected area." (See Office Action, ¶2, pages 2-3.)

The Examiner continues that in Mimura, "the only masked area is the area of CCD 3 (see figures 1 and 2) where the image object is not shown. For example, the areas 21-2, 21-3, 21-7, 21-10 and 21-15 are the only masked areas." The Examiner then continues to selectively quote from col. 3 line 1 to col. 4 line 4 of Mimura, concluding that the limitation "independently of the particular zone selected" by the zone selecting means is inherent in Mimura since the Examiner contends that any particular zone or zones may be selected in order to maintain the efficiency of Mimura. (See Office Action, page 3.)

The Examiner relies upon this analysis of Mimura in the rejection of claim 1 of the present application and uses the rejection with regard to claim 1 as forming the basis for the remaining rejections under §103 of the other claims including independent claims 3, 6 and 9. As such, Applicants' position with respect to claim 1 also applies to the rejection of independent claims 3, 6 and 9 and consequently the dependent claims depending therefrom.

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Applicants respectfully do not agree with the Examiner, specifically with the regard to the teachings attributed by the Examiner to Mimura. Applicants again reiterate that, in our opinion, the teaching of Mimura is not and cannot be "exposure detection means for detecting an exposure condition on the basis of an image signal in a selected zone" and "exposure control means for controlling exposure based upon the detected exposure condition" as recited in claim 1. The teaching of Mimura of masking and ignoring the selected area is a teaching in direct contrast to our understanding that exposure control in the present invention is performed on the basis of the image signal in the selected zone, as previously pointed out.

Mimura (col. 2, line 48 to col. 3, line 20) states as follows (emphasis added):

Now, as shown in FIG. 2, if high luminal spot light is incident on the blocks of 21-2, 21-3 and 21-7 of the field of image 21 and a mirror reflecting the light on the blocks of 21-10 and 21-15, and the subject image to be picked up incident on the blocks including the blocks 21-13, 21-14, 21-18 and 21-19 is so dark that it cannot be seen, operate the photometric area selecting switch 10. Then, the microcomputer 11 controls the display circuit 6 so that the signal mixing section 7 mixes a 25-dividing line signal indicative of dividing lines into the subject image signal which is now being displayed. The D/A converter section 8 converts the signal thus formed into the corresponding analog signal to be outputted to the output terminal 9. Thus, the image supplied from the CCD 4 and the dividing line signal from the display circuit 6 are outputted in an interposing manner. As a result, which blocks of the photometric areas where the subject to be picked up is located can be known correctly. In this case, the photometric area selecting switch 10 is operated so as to mask the blocks 21-2, 21-3, 21-7, 12-10 and 21-15 of the field of image 21. Correspondingly, the microcomputer 11 excludes the signal for the blocks 21-2, 21-3, 21-7, 12-10 and 21-15 and controls the lens drive circuit 2 on the basis of the signal for the remaining blocks. The microcomputer 11 controls the display circuit 6 so that the blocks 21-2, 21-3, 21-7, 12-10 and 21-15 are "painted over". These blocks are painted over also at the output terminal 9. The blocks painted over and the dividing lines disappear after a predetermined time so that only the image from the CCD will be outputted at the output terminal 9.

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Once the photometric area is specified, the lens drive circuit 2 is controlled on the basis of the signal for the blocks other than the blocks 21-2, 21-3, 21-7, 21-10 and 21-15. Thus, the diaphragm of the ALC lens 1 will be operated to be more open than before. As a result, the amount of light for the blocks 21-13, 21-14, 21-18 and 21-19 is increased so that the image of the subject corresponding to these blocks can be seen brightly at the terminal 9.

In this way, in accordance with the embodiment described above, by operating the photometric area selecting switch 10, any block of 25-divided blocks 21-1 to 21-25 on the field of image 21 can be easily specified as a masking area. Hence, the subject which is too dark to see because of backlight becomes to be seen by adjusting an optimum amount of light of the remaining photometric areas.

Mimura thus allows a user to select an area of an image that is to be *ignored* (vis-à-vis luminance) in setting or adjusting the lens to capture a desired image.

Applicants' understanding of the teachings of Mimura is further evidenced by the language of claim 1 of Mimura which supports the interpretation being proffered by Applicants herein with regard to the teachings of Mimura: (emphasis added)

1. An image pick-up device having an auto lens control function for automatically controlling a level of incident light in accordance with an intensity of light from a photometric area of an object, the image pick-up device comprising:

image pick-up means for providing a video image of the object;
section means for sectioning the video image into a plurality of sectional images;
display means for displaying the plurality of sectional images;
selection means for *selecting one or more designated sectional images from among the plurality of sectional images*; and
control means for performing the auto lens control function in accordance with a light intensity of *the plurality of sectional images other than the one or more designated sectional images*.

Applicants thus respectfully submit that, upon proper interpretation of the teachings of Mimura as discussed herein, the pending independent claims 1, 3, 6 and 9 are in fact in condition for allowance as these claims are neither anticipated by nor rendered obvious in view of Mimura or the other references of record, taken individually or in combination.

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Applicants have not independently addressed the rejections of the dependent claims because Applicants believe that, as the independent claims from which the dependent claims depend are allowable for at least those reasons as discussed *supra*, the dependent claims are allowable for at least similar reasons. Applicants however, reserve the right to address such rejections should such be necessary.

Accordingly, Applicants believe that claims 1-16 as pending are allowable over the prior art of record, which action is respectfully requested.

CONCLUSION

Based on the foregoing, Applicants respectfully request reconsideration and allowance of this application.

Applicant believes no fees are required for this Request and Applicants believe that the petitioned extension of time is sufficient to render this filing timely. However, should an additional extension of time be necessary, such is hereby petitioned, and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4252US2.

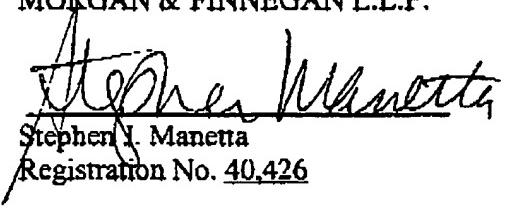
In the event that a telephone conference would facilitate prosecution of the instant application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

MORGAN & FINNEGAN L.L.P.

Dated: August 6, 2002

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